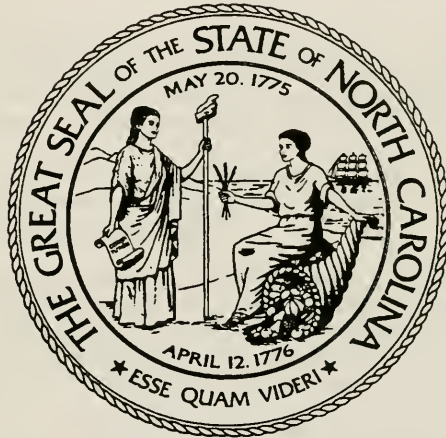






**JOINT LEGISLATIVE COMMISSION  
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE  
GENERAL ASSEMBLY  
OF NORTH CAROLINA**

**Town of Hampstead**

**March 25, 1999**



REPORT TO THE GENERAL ASSEMBLY  
PROPOSED INCORPORATION OF THE  
TOWN OF HAMPSTEAD  
MARCH 25, 199~~8~~<sup>9</sup>

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on October 15, 1998 received a petition proposing the incorporation of the Town of Hampstead in Pender County. A copy of the petition is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on January 28, 1999 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170. The Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements had been met.

On March 18, 1999, the Commission held a public hearing on the incorporation of Hampstead in Wilmington, North Carolina. Seven persons spoke in favor of incorporation and two spoke in opposition.

**The Commission finds that the proposed Town of Hampstead meets the standards required by Article 20 of Chapter 160A of the General Statutes and recommends incorporation of the area as the Town of Hampstead.**



APPENDIX A

JOINT LEGISLATIVE COMMISSION ON  
MUNICIPAL INCORPORATIONS

1997-1999

Membership

**Pro Tem's Appointments**

The Honorable Wib Gulley  
PO Box 3573  
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.  
PO Box 368  
Concord, NC 28026

Mr. Ronald R. Kimble, Manager  
City of Greenville  
PO Box 7207  
Greenville, NC 27835

**Staff**

Gerry Cohen  
Bill Drafting Division  
(919) 733-6660

Gayle Moses  
Bill Drafting Division  
(919) 733-6660

**Speaker's Appointments**

The Honorable Cary D. Allred  
4307 Sartin Road  
Burlington, NC 27217

The Honorable J. Samuel Ellis  
3513 Auburn-Knightdale Road  
Raleigh, NC 27610

Mr. Jerry Ayscue  
Vance County Manager  
Vance County Courthouse  
Young Street  
Henderson, NC 27536

**Clerk**

Carol Resar  
408 LOB  
(919) 715-3036





## APPENDIX B

### ARTICLE 20.

#### Joint Legislative Commission on Municipal Incorporations. Part 1. Organization.

##### § 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

##### §120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

##### §120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

##### § 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be



provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

## PART 2. Procedure for Incorporation Review.

### §120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

### §120-164. Notification.



(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

#### **\$120-165. Initial inquiry.**

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

#### **\*\*\* § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by



the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

\*\*\* The 1998 amendment, effective November 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

**§120-167. Additional criteria; population.**

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

**§120-168. Additional criteria; development.**

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

**§120-169. Additional criteria; area unincorporated.**

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).





\*\*\* § 120-169.1. Additional criteria; level of development, services.

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.
- (8) Adoption of citywide planning and zoning.

\*\*\* This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

#### **§120-170. Findings as to services.**

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

#### **§120-171. Procedures if findings made.**

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along



with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

#### **§120-172. Referendum.**

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

#### **§120-173. Modification of petition.**

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

#### **§120-174. Deadline for recommendations.**

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

**§120-175 through 120-179: Reserved for future codification purposes.**



**A Petition**  
  
**to**  
  
**the Joint Legislative Commission**  
**on Municipal Incorporation**  
  
**for**  
  
**the Incorporation of**  
**the Town of Hampstead**

Submitted By:

Hampstead Citizens *for* Incorporation  
P.O. Box 927  
Hampstead, NC 28443



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## **1. Location, Geographic Statistics, Population**

### **1A. Location**

The proposed Town of Hampstead is located in the easternmost part of Pender County, directly abutting the Intracoastal Waterway, and with the overwhelming majority of the proposed town's area lying east of US Highway 17. It is between Jacksonville on the north and Wilmington on the south. The proposed Town of Hampstead is approximately thirty (30) miles from the downtown area of Jacksonville, and approximately sixteen (16) miles from the Wilmington City Hall area.

Map Exhibit I in the Appendix shows the proposed Town of Hampstead in relation to the Cape Fear area, and Map Exhibit II in the Appendix shows a detailed map of the proposed Town of Hampstead, including an outline of the boundaries.

### **1B. Geographic Statistics**

#### ***Area Selected for Incorporation Petition***

The community currently referred to as Hampstead is an unofficial area of unincorporated land consisting of some sparsely developed areas and some areas of dense population, an area of farms and golf courses, all with non defined limits and boundaries. It is noted that the area in which the residents call Hampstead their home is considerably larger, as much as triple, or more, the size being proposed for incorporation. The area chosen and proposed for incorporation was selected based on the following considerations:

1. Easily describable, definitive boundary lines
2. Population distribution
3. Population density
4. Comprehensive compactness and symmetry
5. At least a modicum of interest expressed by residents in the varying areas.
6. Economic considerations in the longer view

#### ***Boundaries***

The proposed Town of Hampstead does not have any non contiguous area.

The proposed Town of Hampstead is not included within the boundary of another incorporated municipality.

Across the southern boundary, the southern right-of-way line of Washington Acres Road, of the



proposed Town of Hampstead from a point 500 feet west of the right-of-way line of U S Highway 17 to the Intracoastal Waterway is approximately 1.6 miles

Across the northern boundary, the northern right-of-way line of Sloop Point Loop Road following to the northern right-of-way line of Hickory Point Rd. from a point 500 feet west of the right-of-way line of U.S. Highway 17 to the Intracoastal Waterway is approximately 1.8 miles

The western boundary, 500 feet west of the right-of-way line of U.S. Highway 17 is approximately 5.5 miles. The eastern boundary, following the Intracoastal Waterway, is approximately 5.6 miles

The total area of the proposed Town of Hampstead is 9.625 square miles.

Toward the side of the Intracoastal Waterway, there are areas of creeks, streams, marshes, and other wetlands, which are very difficult to quantify the area involved at the current time. Other than to state that not all of the 9.625 square miles is "usable" land.

### **1C. Population Statistics**

The last United States Census was done in 1990, making it eight years out of date, the best available estimate, based on information from the County and the Office of State Budget and Management, is that the proposed Town of Hampstead has a total population between 4,800 and 5,200.

Using the total land area of approximately 9.625 square miles as the base, the population density of the proposed Town of Hampstead would be in the range of 498.7 people per square mile.



## 2. Development

Since 1968 when the first residential development was introduced, the proposed Town of Hampstead has been a very rapidly growing area, and it is expected that the rate of growth will continue for the foreseeable future.

An abridged description, or overview, of the current state of development is as follows.

- 1 Within the proposed boundaries there are 9 established Residential Developments subject to Restrictive Covenants. These range in size from a high of about 1000 residents in Olde Point to a low of about 50 residents in Vista Point:

Belvedere Plantation	Hideaway Shores
Olde Point	Vista Point
Topsail Heights	Coastal Plantation
Forest Sound	Deerfield
Washington Acres	

2. A new Residential Development subject to Restrictive Covenants, Middle Point Village, is currently in the early stages of construction.
3. There are five schools, a Community College, a High School, a Middle School, and two Elementary schools.
4. There are two 18 Hole Golf Courses, Belvedere, and Olde Point Golf & Country Club. Both courses are open to the public.
5. There are eight churches within the town limits.
6. The proposed town has a Community Center.
7. A partial list of the commercial enterprises is as follows:

4 Gas Station/Convenience Stores	4 Beauty Salons
3 Banks	1 Fitness Center
1 Funeral Home	1 Cemetery
1 Food Lion	3 Dentists
6 Attorneys	4 Auto Repair Shops
1 Hardware Store	2 Used Car Lots
2 Storage Facilities	3 Pizza Parlors



In addition, it should be noted that there are currently four tracts of commercial land that have been cleared for construction. One is for a GoGAS gasoline station (the 5th in Hampstead), and another for an automotive car wash. No announcements have been made on the other two tracts, one of them being 29 acres in size.

In the Appendix is Map Exhibit III is a Development map of the proposed Town of Hampstead, showing the types and areas of various development. Clearly shown by this map is that the proposed Town of Hampstead is currently 60%, or better, developed.





### 3. Other Municipalities Proximity, Within Boundaries

There are no municipalities within 5 accessible miles of the Proposed Town of Hampstead

No area of the proposed Town of Hampstead is within the boundary of another municipality.

Within the past twelve months, no area of the proposed Town of Hampstead has petitioned for annexation to a nearby municipality.

Shown below are all of the municipalities within 15 miles of the Proposed Town of Hampstead, with no intervening other municipality, their counties, their population, and the distance from the Proposed Town of Hampstead. The population shown is from the U.S. Census of 1990. Distances shown are from nearest point to nearest point, or the "dry land access" in the case of those municipalities physically separated from the Proposed Town of Hampstead by the Intracoastal Waterway.

<u>Town of</u>	<u>County</u>	<u>Population</u>	<u>Distance (Miles)</u>
Holly Ridge	Onslow	728	7.2
Surf City	Pender/Onslow	970	7.9 (1.)
Topsail Beach	Pender	346	12.3 (1.)
Wilmington	New Hanover	55,530	11.5 (2.)
Wilmington	New Hanover	55,530	8.8 (3.)

- (1.) Distance is measured by over the road dry land access
- (2.) Distance is shown to the current existing boundary
- (3.) Distance is shown to the proposed boundary under the annexation plan currently in litigation



#### **4. Form of Government & Manner of Election**

The government of the proposed town of Hampstead shall consist of a Five (5) member unpaid Town Council, a full-time Town Manager, and a Town Administrative Clerk

Members of the Town Council shall be elected to a two (2) year term. The election by the qualified voters of the proposed Town of Hampstead shall be on a nonpartisan basis, with all Members of the Town Council elected at-large. In each General Election, the five candidates receiving the highest number of votes shall be elected.

The majority of the members of the Town Council may elect one of their own members to serve as Mayor. Said Mayor shall serve at the pleasure of the majority of the Town Council for a period not to exceed the elected term, and shall have duties and responsibilities as delegated by the majority of the Town Council.

In accordance with G.S. 160A-147, the Town Manager shall be hired by, and serve at the pleasure of the majority of the Town Council. The duties and powers of The Town Manager shall be as as elaborated under G.S. 160A-148.

The Town Administrative Clerk shall be hired by the Town Manager with the advice and consent of the majority of the Town Council, and shall serve at the pleasure of the Town Manager.



## 5. Temporary Council

In the event of a successful referendum on the issue of incorporation, the following residents have agreed to serve as the Hampstead Temporary Council until the next General Election.

- Rose Schenker** Born and raised in Greensboro, NC. Moved to PA as a teenager only to return to NC for college. Rose was graduated from UNC at Chapel Hill. Now retired, she lives with her husband, Bob, at 1519 Corcus Ferry Rd.
- Charles Jones** Born in Kinston, NC, Charles has ties to Pender County from the 1940's. A graduate of Park College with honors, Charles spent 20 years in the US Air Force, and then 19 years in Civil Service, before retiring to Hampstead where he lives with his wife, Twila, at 426 East Creekview Drive.
- Charles Watson** Born, raised, and lived in Kenly, NC until his move to Hampstead. Charles was a member of the Kenly Town Council for eight (8) years. He lives with his wife, Susan, at 2008 Cordgrass Rd.
- Billie Oliver** Born and raised in Selma, NC. Billie graduated from NC State University. Since his retirement to Hampstead, Billie has been very active in community affairs. He lives with his wife, Irma, at 215 Ravenswood Rd.
- Roland Howard, Sr.** Born and raised in Hampstead, NC. A veteran of the US Navy, he was for many years the Dean of Extension Services for Coastal Carolina Community College. Jack is the unofficial "Hampstead Historian". He lives with his wife, Joan, at 147 Factory Rd.



## 6. Proposed Services - Assumptions

1. The Town will have two full-time employees, a Town Manager and a Town Administrative Assistant, who shall be paid \$30,000 and \$24,000 respectively. Fringe benefits for both full-time employees are calculated at 20 per cent of salary.
2. The five Town Council members will be unpaid, however, members will be reimbursed by the Town for legitimate expenses.
3. The Town will contract for several services including:
  - a. The County will inspect buildings, keeping the inspection fees.
  - b. The State (DOT) maintains the streets, charging the amount that the Town would receive from the annual state street-aid allocation.
  - c. Waste Management, a county-wide program, will remain in place, the county billing for and retaining the fees.
  - d. A volunteer fire department serves the Town and the surrounding area; the entire area is part of a fire protection district. The district owns the vehicles and equipment, and its budget is not included in the Town budget. The Town makes a contribution to the department as its share of the fire district expenses.
  - e. An Emergency Medical Support Unit serves the Town and the surrounding area, the entire area consistent with the fire prevention district. The district owns the vehicles and equipment, and its budget is not included in the Town budget. The Town makes a contribution to the Support Unit as its share of the Emergency Medical expenses.
  - f. The Town will contract an Accountant, on an hourly rate basis, to provide the Town's accounting and financial needs.
  - g. The Town will contract an Attorney, on an hourly rate basis, to provide the Town's legal needs.
  - h. Law Enforcement will be contracted from Pender County Sheriff's department to provide a level of deputy hours service at a rate approximately one and one-half to two times that which is currently provided.





- 4 Space for the Town's Administrative Office will be leased
- 5 The Town's assessed valuation is \$312,830,571, which includes \$3,551,267 in personal property. The tax rate is \$0.11 per \$100 of valuation, and the anticipated collection rate is 92.0 per cent
- 6 There will be no initial Town debt



## 7. Model Budget

Appropriations		Revenues	
<i>General Fund</i>		<i>General Fund</i>	
<i>Administration</i>			
Salaries	\$55,000	Property Tax	316,585
Benefits	13,750	Sales Tax	390,000
Prof. Fees	24,000	Franchise Tax	30,000
Office Expenses	20,000	Beer-Wine Tax	12,000
Miscellaneous	4,000	Auto Tags	3,000
<i>Fire District</i>			
Volunteer Fire	125,132		
EMS	218,981		
<i>Law Enforcement</i>			
Contract-Sheriff	205,000		
<i>Nondepartmental</i>			
Town Hall Rent	18,000		
General Insurance	12,000		
<i>Surplus</i>			
8% Statutory	55,668		
Unallocated	55		
<b>Totals</b>	<b>751,585</b>		<b>751,585</b>



## **8. Notifications**

In addition to the Pender County Board of Commissioners, notices have been sent on September 5, 1998 to the listed towns, representing all other municipalities within the County, stating the intention to file a Petition for Incorporation for the proposed Town of Hampstead with the Joint Legislative Commission for Municipal Incorporation. No other municipality outside of Pender County is within five miles of the proposed Town of Hampstead.

**Town of:**

**Burgaw**

**Watha**

**Atkinson**

**Surf City**

**Topsail Beach**

**St. Helena**

Copies of each letter are included in the Appendix.

Public notifications were made on September 23, 1998 and September 30, 1998 in *The Topsail Voice*, the local newspaper published in the proposed town of Hampstead. Copies of said notices are also contained in the Appendix.



## **9. Pender County Board of Elections Petition Verification**

On the following page is the Pender County Board of Elections Certification that as of October 8, 1998 there were 2,882 registered voters within the boundaries described, and that 685 petition signatures were verified as registered voters

Signatures of 685 registered voters out of a total of 2,882 represents 23.77% of the registered voters, a percentage well above that required by the Statute, and a percentage that the Hampstead Citizens *for* Incorporation committee proposes is a clear demonstration of a level of interest that warrants a referendum on the issue to determine the will of the people.

The originals of the petition signatures are filed in the attached "accordion" folder.





PENDER COUNTY BOARD OF ELECTIONS

COURTHOUSE  
POST OFFICE BOX 1232  
BURGAW, NORTH CAROLINA 28425  
910-259-1220  
FAX 910-259-1269

MARION LOMAX, CHAIRMAN  
FRANK WILLIAMS, SECRETARY  
WILA M. JONES, MEMBER

FRANCES P. PINION  
DIRECTOR OF ELECTIONS

CERTIFICATE

The Pender County Board of Elections certifies that as of October 8, 1998, there were 2,882 voters registered in the area proposed to be incorporated as the community of Hampstead. On the attached petitions, 685 voters have been verified.

I, Marion Lomax, Chairman of the Pender County Board of Elections, affirms this information to be true and accurate to the best of my knowledge. This the 16th day of October, 1998.

Chairman

Marion Lomax

Director

Frances P. Pinion



## **APPENDIX**



# **"The Charter of the Town of Hampstead**

## **"Article I. Incorporation and Corporate Powers**

**"Section 1.1 Incorporation and General Powers.** The inhabitants of the Town of Hampstead are a body corporate and politic under the name of the Town of Hampstead. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon municipal corporation by the general law of North Carolina.

## **"Article II. Corporate Boundaries**

**"Section 2.1 Corporate Boundaries.** The corporate boundaries of the Town of Hampstead, until changed in accordance with law, are as follows:

Beginning at a point located in the eastern right-of-way line of US 17, said point being the intersection of the southern right-of-way line of Washington Acres Road (SR 1582) and the eastern right-of-way line of US 17; thence running in a westerly direction approximately 100 feet to the western right-of-way line of US 17 to a point; said point being the joint property corner of Eugenia K. Dail and Terry Lyle Finley and Bertha E.; thence running in a westerly direction along the boundry line between said properties for a distance of 500 feet to a point, said point being the intersection of the Southern and Western lines of the proposed city limits; thence turning and running parallel to and 500 feet west of the western right-of-way line of US 17 for a distance of approximately 5.5 miles to a point, said point being the intersection of the Western and Northern lines of the proposed city limits; thence turning and running South 41 Degrees 41 minutes 50 seconds East 500 feet to the western right-of-way line of US 17; thence running on the same bearing approximately 100 feet to a point in the eastern right-of-way line of US 17, said point being the intersecting line of the eastern right-of-way of US 17 and the northern right-of-way line of Sloop Point Loop Road (SR 1563); thence running



along the northern right-of-way line of Sloop Point Loop Road (SR 1563) for approximately 1.6 miles to a point; said point being 90 degrees from the intersection of the northern right-of-way line of Sloop Point Loop Road (SR 1563) and the northern right-of-way line of Hickory Point Road (SR 1607); thence running in an eastern direction along the northern right-of-way line of Hickory Point Road approximately 0.4 miles to the end of said road, thence continuing on the same bearing of Hickory Point Road approximately 300 feet to the western boundry of the Intracoastal Waterway, said point being the intersection of the Northern and Eastern lines of the proposed city limits;thence turning and running in a southerly direction along the ICW for approximately 5.6 miles to a point located at the intersection of the ICW and a line extended on the same bearing from the southern right-of-way line of Washington Acres Road (SR 1582), said point being the intersection of the Eastern and Southern lines of the proposed city limits; thence turning and running in a northwesterly direction, at the same bearing as the southern right-way line of Washington Acres Road (SR1582), for approximately 450 feet to the most eastern end of said road; thence continuing along the southern right-of-way line of Washington Acres Road (SR1582) approximately 1.8 miles to the point of beginning.

### **"Article III. Governing Body**

**"Section 3.1 Temporary Officers.** Until the regular municipal election held in November of 1999, Roland Howard, Sr., Billie Oliver, Rose Schenker, Charles Jones, and Charles Watson are hereby appointed to act as the Council for the Town of Hampstead, and they shall possess and may exercise the powers granted to the Town Council until their successors are elected and qualify.

**"Section 3.2 Structure of the Governing Body; Number of Members.** The governing body of the Town of Hampstead is the Town Council, which has five members. Members of the Town Council shall be elected at large.

**"Section 3.3 Manner of Election of the Council.** Except for the temporary office-s provided for in Section 3.1 of this charter, the members of the Town





Council shall be elected to two year terms.

**"Section 3.4 Election of a Mayor.** The majority of the Town Council shall from among their own members, elect a Mayor as provided in G.S. 160A-101(8). Said Mayor shall serve at the pleasure of the Town Council, not to exceed the term of election. The duties and responsibilities shall be as determined by the Town Council, in addition to those responsibilities provided by G.S. 160A-67, G.S. 160A-69, and G.S. 160A-71

## **"Article IV. Elections**

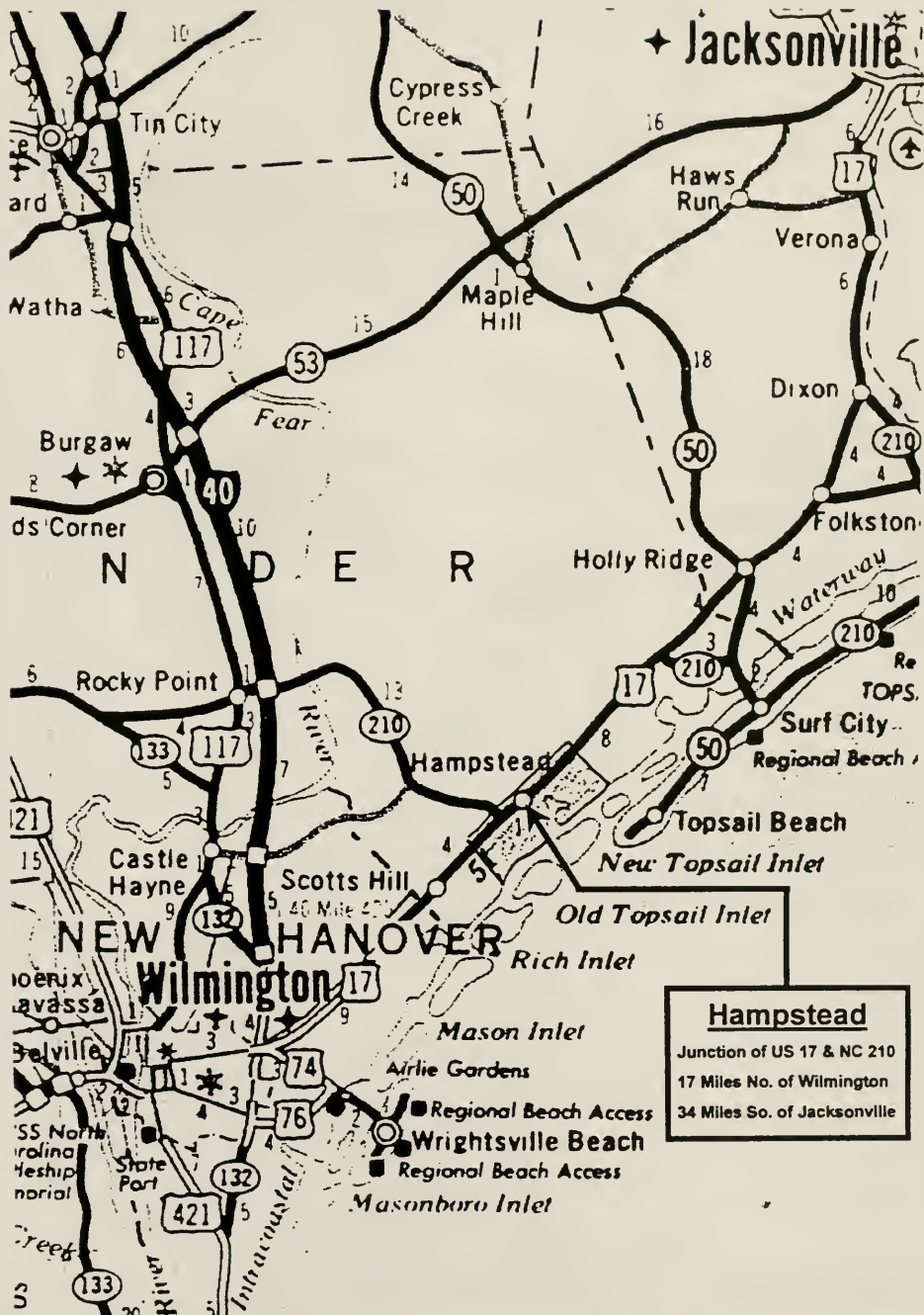
**"Section 4.1 Conduct of the Town Elections.** Town officers shall be elected on a non-partisan basis and the results determined by a simple plurality of the votes cast, as provided by G.S. 163-292.

**"Section 4.2 Results.** Election results shall be determined by the Pender County Board of Elections according to Chapter 163 of the General Statutes.

## **"Article V. Administration**

**"Section 5.1 Form of Government.** The Town of Hampstead shall operate under the Council-Manager form of government as provided in G.S. 160A-148.





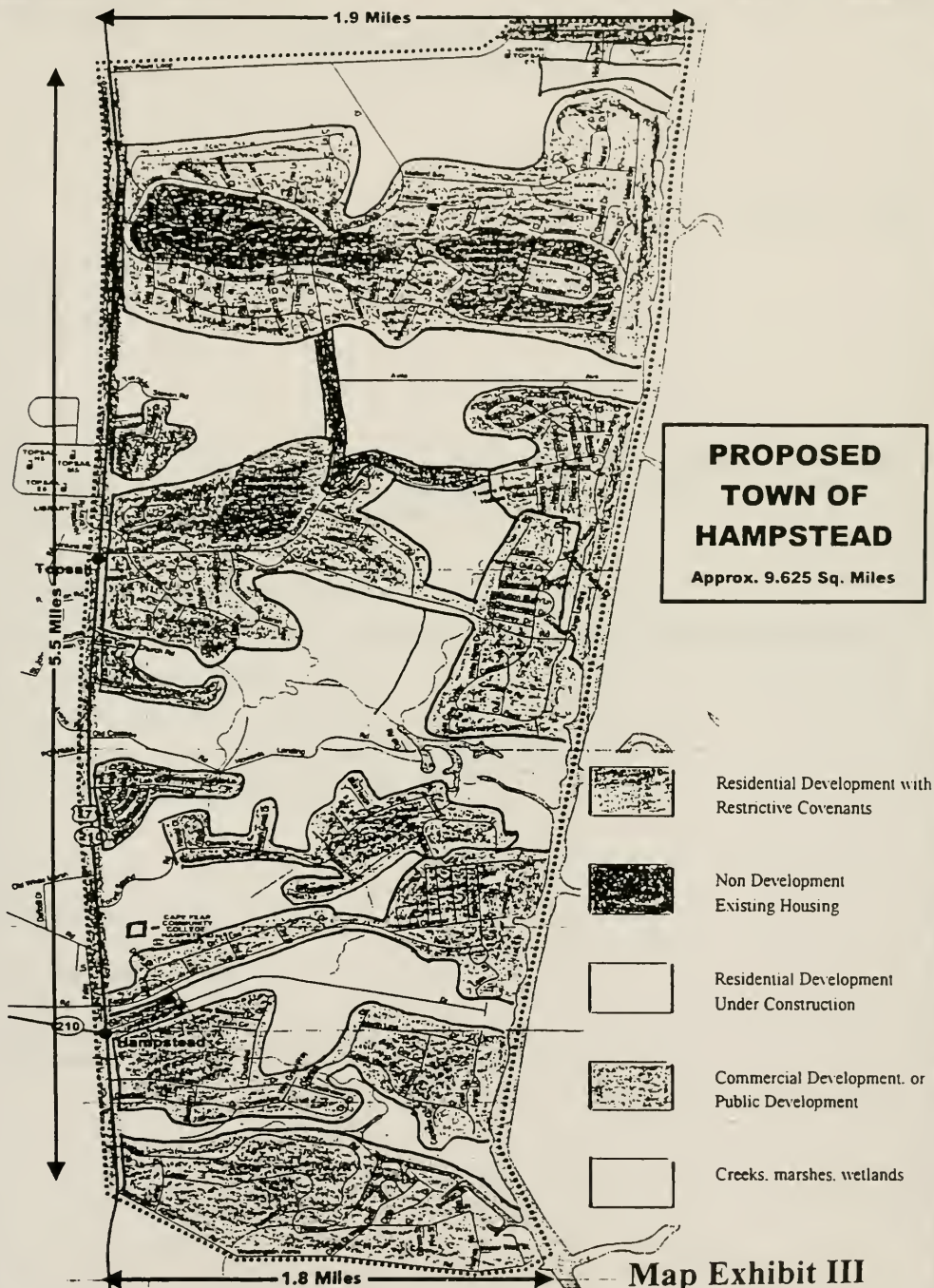
Map Exhibit I











## PROPOSED TOWN OF HAMPSTEAD

Approx. 9.625 Sq. Miles

Residential Development with  
Restrictive Covenants

Non Development  
Existing Housing

Residential Development  
Under Construction

Commercial Development, or  
Public Development

Creeks, marshes, wetlands

Map Exhibit III





*filecopy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Pender County  
Board of County Commissioners:  
P O Box 5  
Burgaw, N C 28425

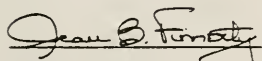
Gentlemen:

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



*file copy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Mr. Andy Hedrick, Town Manager  
P O Box 2475  
Surf City NC 28445

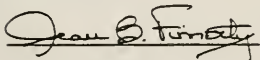
Dear Mr. Hedrick;

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



*file copy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Mayor Robert Barnhill  
115 Northwest Avenue  
Village of St. Helena, NC 28425

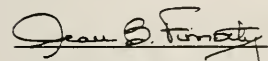
Dear Mr. Barnhill,

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



*file copy*

Citizen's Committee *for* Incorporation  
Hampstead, North Carolina

September 5, 1998

Mr. Dathan Shows, Town Manager  
P O Box 3089  
Topsail Beach, NC 28445

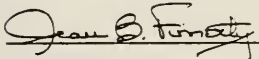
Dear Mr. Shows,

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ♦ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ♦ **East:** High water mark of ICWW
- ♦ **South:** Southern edge of Washington Acres Road
- ♦ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens *for* Incorporation





*file copy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Mr. Andy Honeycutt, Town Manager  
P O Box 1489  
Burgaw NC 28425

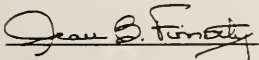
Dear Mr. Honeycutt,

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



*file copy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Mayor Maurice Anderson  
465 Camp Kirkwood Road  
Watha NC 28471

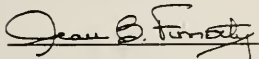
Dear Mr. Anderson,

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



*file copy*

Citizen's Committee for Incorporation  
Hampstead, North Carolina

September 5, 1998

Mayor Muriel Rivenbark  
P O Box 160  
Atkinson, NC 28421

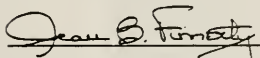
Dear Ms. Rivenbark,

This letter is to inform you of our intent to file a Petition for Incorporation of Hampstead, North Carolina. This petition will be submitted to the Joint Legislative Commission for Municipal Incorporations on or before November 1, 1998.

The proposed coordinates are as follows:

- ◆ **North:** Northern edge of Sloop Point Loop Road continuing on northern edge of Hickory Point Road to ICWW
- ◆ **East:** High water mark of ICWW
- ◆ **South:** Southern edge of Washington Acres Road
- ◆ **West:** 500 feet west of U S Highway 17N.

Respectfully,



Jean B. Finnerty,  
Vice Chairman,  
Hampstead Citizens for Incorporation



# See your classifieds on the internet!

**TOPSAIL VOICE CLASSIFIEDS:** Real Estate and Business Rate: \$7.00 for 20 words, 10 cents for each additional word and each additional word, plus a bonus week for individuals selling personal household items. **PREPAYMENT BY CASH OR BANK CLASSIFIED INSERTIONS. DEADLINE IS NOON, MONDAY, Call (910) 270-2944 or mail/hand deliver to TOPSAIL VOICE, Center, Highway 17, Hampstead NC 28443. You may also see your classified at the Topsail Voice website - www.topsailvoice.com**

## NOTICES

### TOWN OF NORTH TOPSAIL BEACH PUBLIC NOTICE

The Town of North Topsail Beach will begin its town-wide bulldozing project on November 15, 1998. It is enough sand is deposited on the beach between now and then. Structures and lots that meet CAMA definition of "imminently threatened" can receive an exemption to privately push now. Call Town Hall for more information at 328-1349. The town encourages anyone who has the need for a private push now, to have it completed by October 15, 1998. This will allow at least 30 days for the beach to rebuild itself prior to the town sponsored push.

After meeting FEMA representatives, the town has adopted a special debris pick-up plan to assist with debris from Hurricane Bonnie. Please observe the following dates and guidelines:

There will be (3) pick-ups of storm-generated debris. The second pass is scheduled for the week of September 21 - 25, 1998. The third is scheduled for the week of September 25 - October 2, 1998. Any hurricane related debris that is not suitable for pickup during this time will be the sole responsibility of the property owner at a later date.

#### Eligible items for pickup include:

- Negative debris (property to the street) for pickup
- Stumps for pickup
- Storm debris that consists of construction materials that were displaced due to the storm activity such as pieces of siding, sandblasting, pieces of a deck, pieces of a stairway, etc.
- Appliances damaged in the storm
- Furniture damaged in the storm

Sand must be pushed to the property to be eligible for pickup.

Storm debris that consists of construction materials that were displaced due to the storm activity such as pieces of siding, sandblasting, pieces of a deck, pieces of a stairway, etc. Appliances damaged in the storm Furniture damaged in the storm

Items not eligible for pickup include:  
Contractor generated debris, i.e. roofing, insulation, which has been included in your contract  
Hazardous materials that may include paint, solvents, c/t paint cans, etc.

Items must be placed on the street/road/highway right-of-way. Items must be separated into the following groups (due to landfill requirements)

- Vegetation
- Appliances
- Furniture
- Storm debris which may include some construction materials

Piles of debris that are not separated may not be able to be picked up. Please call (910) 328-1349 for any additional information.

#### PUBLIC NOTICE

In accordance with NCGS 120-184, notice is being given by Hampstead Citizens for incorporation of its intent to the 7th ballot for incorporation of the proposed Island Hampstead with the Joint Legislative Commission on Municipal Incorporations on, or before, November 1, 1998. Details of the subject matter are available on request. Signified by: C. Greenough, Chair, Hampstead Citizens for Incorporation, PO Box 107, Hampstead, NC 28443.

## ANNOUNCEMENTS

**CRISIS INTERVENTION:** Are you a victim of Domestic Violence or Sexual Assault? For 24 hour crisis intervention and/or shelter call Safe Haven of Pender Inc. (910)-259-8889 or (800)259-8887. Strictly confidential

TFN#



HE FROM  
AND  
ISLAND.  
VACUATE,  
FLEE.



AS  
BEE...  
B&B  
NK.



at Olde Point  
910-270-3312  
Hampstead  
910-270-2017



Toll Free 1-800-535-6338  
http://www.selectinternet.com





# See your classifieds Classified on the internet!

**TOPSAIL VOICE CLASSIFIEDS:** Real Estate and Business Rate: \$7.00 for 20 words, 10 cents for each additional word. Individual Real Estate ads are \$1.00 per line. **PREPAYMENT BY CASH OR CHECK** (no cash or check by mail). **CLASSIFIED INSERTIONS: DEADLINE IS MONDAY, Call (910) 270-2944 or mailhand deliver to: TOPSAIL VOICE, P.O. Box 28443, Highway 17, Hampstead NC 28443.** You may also see your classified at the Topsail Voice website - [www.topsailvoice.com](http://www.topsailvoice.com)

## NOTICES

### TOWN OF NUTTS TOPSAIL BEACH PUBLIC NOTICE

The Town of North Topsail Beach will begin its town-wide sanding project on November 15, 1998. If enough sand is deposited on the beach between now and then. Structures and lots that meet CAMA definition of "imminently threatened" can receive an exemption to privately push now. Call Town Hall for more information at 328-1349. The town encourages anyone who has the need for a private push now, to have it completed by October 15, 1998. This will allow at least 10 days for the beach to rebuild itself prior to the town-sponsored push.

After meeting FEMA representatives, the town has advised that debris pick-up plan to assist with clean-up.

Furniture  
Appliances  
Strom debris which may include some construction materials

Piles of debris that are not separated may not be able to be picked up. Please call (910) 328-1349 for any additional information.

### PUBLIC NOTICE

In accordance with NCGS 120-184, notice is being given by Hampstead Citizens for Incorporation of its intent to file a Petition for Incorporation of the proposed Town of Hampstead with the Joint Legislative Commission on Municipal Incorporations on or before November 1, 1998. Details of the submission are available on request. Signed, Wayne C. Greenough, Chairman, Hampstead Citizens for Incorporation, PO Box 927, Hampstead, NC 28443, 9/30

## ANNOUNCEMENTS

**CRISIS INTERVENTION:** Are you a victim of Domestic Violence or Sexual Assault? For 24 hour crisis intervention and/or shelter call Safe Haven of Pender Inc. (910) 359-4899 or (800) 259-8887. Strictly confidential.

TFNK

## BOATS

SeaRay Seville, 21', Cuddy cabin, 260 hp, 100. Low hours. 11,1,united trailer, head. Depth finder, lots of extras. 9995. 270-0077

## HELP WANTED

SL... Billy Card-K-Fil, \$150, small color TV \$100 call 270-0188 10/7

27 Cubit Kenmore, almond, side by side refrigerator, with front door water and crushed ice dispenser \$850. Call 270-0774 10/7

## PETS

**OPERATION TOPCAT** has kittens ready for homes and hugs. Veterinarian reference required. Call 910-328-4769; leave message. If no answer, call 328-4002

**FREE - White Maltese/Poodle, 2 years old, Lovable like everyone** Call (910) 799-2746. 9/30

## CAMPERS

Fisherman Special \$3,500. 24 ft. camper with 10 foot add-on room. Has 4 single beds plus 3/4 bed A/C in each room. Located Barnacle Bill's Campground, Lot 47. May available at Herring's Boat Shop. Call (804) 271-1020

## COMMERCIAL

14.4 acres '04' cation. Call CAR 4444

Commercial Building sq. ft. great location. Call 270-9975 for

## CONDON'T COME

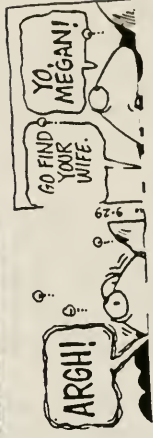
Call Course condon't have no way. Priced from BUT TO LEAVE CAROLINA COAST. THE MERCY OF YOURS SHARK. Oceanside condos. 10/7

subdivide. Call CA 270-4444

We have buyers! We a free market estimate. 270-4444

**Can**

**ACTION**

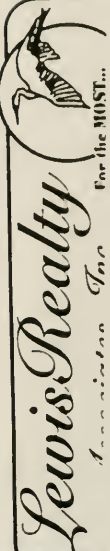


**FHA • VA • CONVENTIONAL PURCHASE AND REFINANCE MORTGAGE**

Meet your local representative,

**Louise Isaacs**

1202 South Topsail Drive  
328-1399 or 1-800-613-9813  
Pager: 347-8739 or 1-800-212-0616





## Historian's View of the Hampstead Area

By: Roland Howard, Sr.\*

The Topsail Sound Area including Hampstead was first settled, to the northeast on Fredericks Creek, now called Virginia Creek, by land grant to a Frederick in 1728. The same year, one Richard Nixon settled the central sections, also by land grant. To the south, also about the same time, the Scotts Hill area was settled, and on to Porters Neck, about the same time, by James Moore, the Foy's and others.

Hampstead was not always called by that name. Originally, where Hampstead is located, were three tracts, or "Plantations". The Campbell farm, originally called Grovedere, was owned by John Campbell, the "Old Mobson Plantation" owned by the Mobson family, and the Ennett Plantation owned by the Ennett family. The three plantations, totaling 1525 acres, ran from the "low water mark" to the "run of the bay" are within the community called Hampstead today.

In 1835 "a Plantation called Grovedere" consisting of the entire 1525 acres and the three plantations houses on the sound overlooking Howard's Channel and Howard's Landing, were purchased by James Whitfield Howard. The community had become a part of New Hanover County in 1729, and remained until a new County, Pender, was enacted on February 16, 1875.

The Weldon Railroad in Hampstead was originally intended to run to Goshen; however, after the stock subscription, it was put through to Raleigh and to the Weldon terminal in Petersburg, Va. This railroad was used during the Civil War by the Confederacy for the transportation of troops and supplies. The railroad through Hampstead to Jacksonville was completed in 1892, and to Pollockville and New Bern in 1893.

The first settlers of the area were of English descent, so the Weldon railroad gave all the stops on the route English name, i.e. Folkston, Edgecombe, and Hampstead. The Weldon Railroad gave Hampstead its name in 1872.

By the 1920's and 1930's and later, only about 200 families lived in and around Hampstead. Today it is estimated that nearly 9,000 people live in and about the proposed boundaries of Hampstead, with all of the problems that "overpopulation" brings. Truly today's density is not the rural Hampstead of 1933, the year I was born, or the following years that I grew up in.

We must cope. We must plan. We must be prepared, for it will only get worse.

\* Editorial Note: The Hampstead Citizens *for* Incorporation thanks the author, Roland Howard, Sr., a lifelong resident of Hampstead, and the unofficial historian of the community, whose devotion to Hampstead is its heart and soul.



**Assessment of Petition  
by  
Hampstead  
for  
Incorporation**

**Relative to NC G.S. 120-166.**

**North Carolina Department of Commerce  
Division of Community Assistance**



Division of Community Assistance staff has reviewed the petition for incorporation from Hampstead as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Hampstead' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

<b>Critical Distance</b>	<b>Population of Neighboring Municipality</b>
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,000
5 miles	50,000 and over

According to the 1990 Census, the Town of Topsail Beach (1990 Census population 346) is the only municipality within one (1) mile of the proposed boundaries for Hampstead. However, its population does not meet the 5,000 threshold.

Surf City (1990 Census population 970) is within three (3) miles of the proposed new town. However, it does not meet the 10,000 threshold.

There are no municipalities within four (4) or five (5) miles that have a 1990 Census population of at least 25,000 or 50,000 respectively.

#### **proposed Town of Hampstead.**

**Information sources:** The foregoing assessment was based on information contained in the petition, GIS data provided by Pender County and the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 1990 population values were retrieved from the US Census Bureau web site (<http://www.census.gov/cgi-bin/gazetteer>).

---

Note: 1

#### **§ 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to





the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census




- (b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if
- (1) The proposed municipality is entirely on an island that the nearby city is not on.
  - (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
  - (3) The nearby municipality by resolution expresses its approval of the incorporation, or
  - (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

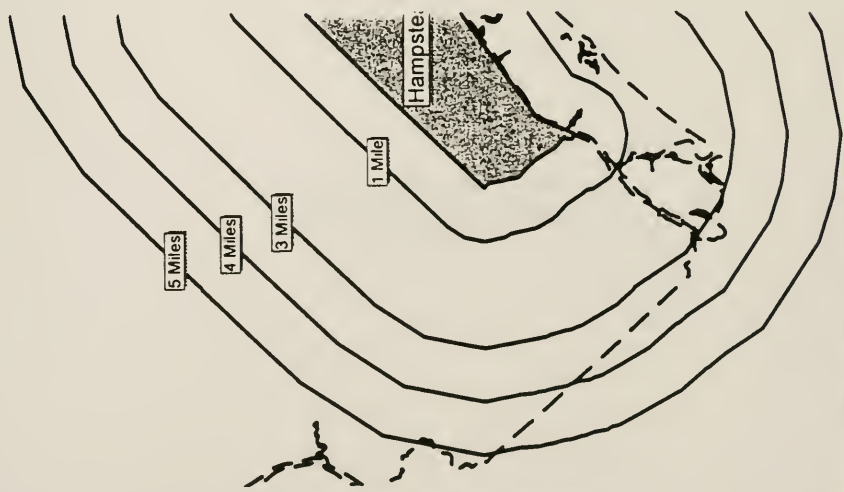
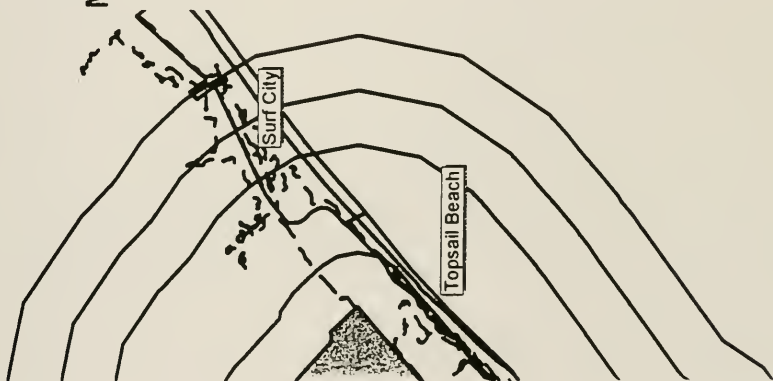


# Hampstead Area Pender County Municipal Incorporation Study Phase 1



## Legend

-  Hampstead Area
-  City Limits
-  County Boundary





APPENDIX E

**ASSESSMENT OF PETITION  
BY  
HAMPSTEAD  
(PENDER COUNTY)  
FOR  
INCORPORATION**

*Relative to NCGS 120-167 through 120-170.*

North Carolina Department of Commerce  
Division of Community Assistance  
March 1, 1999



The Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Hampstead relative to North Carolina General Statutes (NCGS) 120-167 through 120-170. The following discussion addresses each of these sections of the General Statutes.

**NCGS 120-167. Additional criteria, population.**

NCGS 120-167 refers to population and requires that the permanent population must be at least 100 persons. The petition indicates an estimated population between 4,800 and 5,200 persons. The petition states that this is based on information from the County and the Office of State Budget and Management, however, it does not indicate the methodology used.

DCA obtained a copy of the Pender County Tax Office appraisal database on CD-ROM. This source indicated that the number of dwelling parcels to be 2,218 within the petition's boundaries. The 1990 Census Bureau estimates the number of persons per occupied housing unit to be 2.56 in Pender County. Consequently, it is estimated by this method that approximately 5,678 persons reside in the area. It appears that NCGS 120-167 is satisfied.

**NCGS 120-168. Additional criteria, development.**

NCGS 120-168 refers to development and requires that at least 40 percent of the area must be developed. The petition described the development in a narrative listing subdivisions, commercial enterprises, institutional and governmental uses. There was also a schematic map without scale noting large areas as developed. The petition stated that the area was developed "60% or better".

DCA was able to quantify the number of parcels developed with the Pender County Tax Office's database as previously mentioned. This database indicated that the number of parcels within the petitioner's boundaries to be 6,122. Furthermore, the database revealed the following:

<u>Improvement</u>	<u>Parcels</u>
A- Apartment	3
C- Commercial	175
D- Dwelling	2,218
E- Exempt	82 (churches, schools, etc)
I - Industrial	0
O- Other	496 (other features only, accessory bldg., etc)
V- Vacant	3,148 (51%)
Total	6,122





Using this information as a use test and assuming that all the parcels other than vacant have man-made improvements on them, then it is reasonable to conclude that the area is 49% developed. It appears that NCGS 120-168 is satisfied

#### **NCGS 120-169. Additional criteria; area unincorporated**

NCGS 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Hampstead with NC DOT maps and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NCGS 120-169 is satisfied.

#### **NCGS 120-170. Findings as to services.**

NCGS 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide, at a reasonable tax rate, the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base. DCA also reviewed the services provided by municipalities that have a population size similar to that of the proposed Town of Hampstead. Information was gathered from the North Carolina League of Municipalities', 1997 Directory of North Carolina Officials & Buyer's Guide, the Division of Community Assistance, Status of North Carolina Local Planning and Management, and from telephone interviews with the municipalities. DCA considered the assessed value of the compared communities, their 1997 population estimate, and their tax rate which was gathered from the North Carolina Department of the Treasurer's Summary of Cash Investments and Property Tax Levies for the Fiscal Year Ended June 30, 1997, found in Memorandum #865. All this information can be found in the Table of Services Provided and Table of Fiscal Information on page 6.

The proposed Town of Hampstead's tax base was compared with those of seven municipalities with a similar population size. The comparison revealed that the proposed municipality's assessed value of \$312,830,571 is well above the average of \$175,466,713 for the compared municipalities. The highest assessed value of any of the compared municipalities is \$278,167,352. The petition proposes a tax rate of \$0.11 per \$100 valuation with an anticipated collection rate of 92%. Memorandum #865 states that the average municipal tax rate within population range of 2,500 to 9,999 is \$0.4567. The proposed tax rate of \$0.11 for Hampstead falls well below this average.

#### **What are the services to be provided?**

The petition for incorporation addresses the proposed services to be provided by the newly incorporated town. The petition points out how the area has grown from around two hundred families in the 1920's and 1930's to its current population. Furthermore, it



states that the area has a variety of land uses including residential, commercial, institutional and recreation. Listed below are the basic services normally provided by a municipality with commentary on how these services will be provided according to the petition for incorporation.

*(1) Police Protection*

Law enforcement will be provided for by contract with the Pender County Sheriff's Department. The petition states that the Sheriff's Department will provide a "level of deputy hours service at a rate of approximately one and one-half to two times that which is currently provided". The first year budget provides for \$205,000 to contract with the Pender County Sheriff's Department. However, the 1991 Pender County Land Use Plan Update states that the Pender County Sheriff's Department consists of twenty-eight officers. The plan also states that the department is well below the state guideline recommendation of one officer per 500 population. A telephone call to the Pender County Sheriff's Department in February, 1999, reveals that the current number of sheriff's deputies is thirty and the county's 1997 population estimate is 37,208. The department is still well below the recommended ratio.

*(2) Fire protection and emergency medical*

The proposed Town of Hampstead is located within the Hampstead Fire Protection District which covers a five mile radius area. All residents within this area, except those located within a municipality, pay a \$0.04 per hundred valuation fire tax. The Hampstead Fire Department headquarters is located within the boundary of the proposed town limits. Upon incorporation, the Town of Hampstead will contribute \$125,132 to the Hampstead Fire Department which is the amount the fire district will lose due to incorporation. Fire protection for the residents of the proposed Town of Hampstead will continue at the same level of service which they currently have.

An Emergency Medical Support Unit serves the same area that the fire district covers. The petition states that the proposed Town of Hampstead will make an annual contribution to this unit. The level of service currently provided by the Emergency Medical Support Unit to the residents of the proposed Town of Hampstead will be maintained.

*(3) Garbage and refuse collection or disposal*

Pender County contracts with Waste Management for county-wide garbage collection. The petition states that this arrangement will remain in place for the proposed Town of Hampstead with the county billing for and retaining the collection fees. Garbage collection services for the residents of the proposed Town of Hampstead will continue at the same level of service which they currently have.

*(4) Water distribution*

Pender County does not have a water distribution system. There are privately controlled water distribution systems in the Hampstead area. This service is not addressed in the petition.



*(5) Sewer collection or disposal*

Pender County does not have a sewer collection system or disposal system. There are privately controlled sewer collection and disposal systems in the Hampstead area. This service is not addressed in the petition.

*(6) Street maintenance, construction, or right-of-way acquisition*

The petition states that "the State (DOT) maintains the streets, charging the amount that the Town would receive from the annual state street-aid allocation". While this is subject to interpretation, DCA interprets this to mean that if the town is incorporated, street maintenance of those streets that are currently not maintained by the state will after incorporation be maintained by the state through a contract with North Carolina Department of Transportation (DOT). Through a telephone interview with a petition representative it was clarified that Hampstead will negotiate with DOT for this service. This arrangement will need to be approved by DOT.

*(7) Street lighting*

Street lighting has not been addressed in the petition.

*(8) Adoption of citywide planning and zoning*

This service has not been addressed in the petition. It is known that Pender County provides building code enforcement, zoning enforcement and subdivision review for the entire county. NCGS 160A-360 (f) states that when a new city is incorporated, that for the area that is currently being regulated by the county, the county regulations and power of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of sixty days has elapsed following the incorporation, whichever is sooner. If the sixty day period has elapsed and there has been no provision made for zoning enforcement by the newly incorporated town, then the effect is there are no zoning regulations in the town.

Upon informing the petition representative of this issue, it was stated that the newly incorporated town would adopt the county's zoning and enforcement.

*(9) Administrative Services*

The town will have a full time town manager and administrative assistant. The town will contract with an accountant and an attorney on a hourly basis for accounting and legal needs. Administrative offices will be leased. The proposed budget for the town accounts for the personnel and for the lease of a town hall.

**General**

The services to be provided by the proposed Town of Hampstead, either by the town itself or by agreement with another provider, include police protection, fire protection, garbage collection, street maintenance and administrative services. The tax rate and tax base to cover these services appear to be reasonable. Furthermore, it could be raised to provide



additional services as needed and keep the tax rate at or below that of similar communities

### **Conclusion**

The information available in the petition for incorporation leads to the conclusion that the proposed Town of Hampstead satisfies the requirement of North Carolina General Statutes 120-167 through 120-170. There appears to be no compelling reason to preclude the Commission on Municipal Incorporations from making a positive recommendation relative to NCGS 120-167 through 120-170.





TABLE OF SERVICES PROVIDED

							Street				
Community	Water	Sewer	Fire	Police	Garbage	Lighting	Sidewalks	Maintenance	Zoning	Subdivision	
Trent Woods			Vol.	X		X		X	X	X	
Edenton	X	X	Pd./Vol.	X	X	X	X	X	X	X	
Ayden	X	X	Vol.	X	X	X	X	X	X		
Beaufort	X	X	Pd./Vol.	X	X	X	X	X	X	X	
Burgaw	X	X	Pd./Vol.	X	X	X	X	X	X	X	
Ahoskie	X	X	Pd./Vol.	X	X	X	X	X	X	X	
Farmville	X	X	Vol.	X	X	X	X	X	X		



TABLE OF FISCAL INFORMATION			
Community	1997 Population	Assessed Value	Tax Rate
Trent Woods	4,292	\$278,167,252	.0930
Edenton	5,354	\$188,646,522	.3950
Ayden	4,486	\$105,155,363	.4700
Beaufort	4,039	\$177,638,458	.4050
Burgaw	3,643	\$106,495,471	.5000
Ahoskie	4,370	\$153,196,715	.7400
Farmville	4,394	\$218,967,210	.4100
Average		\$175,466713	

